

108TH CONGRESS
1ST SESSION

H. R. 568

To amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

Mr. TOM DAVIS of Virginia (for himself, Mr. HOYER, Mr. GILCHREST, Mr. GREENWOOD, Mr. FORBES, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. WYNN, Mr. HOLDEN, Mr. HOFFEL, Mr. HINCHEY, Mr. WOLF, Mr. GOODLATTE, Ms. NORTON, Mr. BARTLETT of Maryland, Mr. CARDIN, Mr. CUMMINGS, Mrs. JO ANN DAVIS of Virginia, Mr. HOUGHTON, Mr. PETERSON of Pennsylvania, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake Bay Wa-
5 tershed Nutrient Removal Assistance Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) nutrient pollution from point sources and
2 nonpoint sources continues to be the most signifi-
3 cant water quality problem in the Chesapeake Bay
4 watershed;

5 (2) a key commitment of the Chesapeake 2000
6 agreement, an interstate agreement among the Ad-
7 ministrator of the Environmental Protection Agency,
8 the Chesapeake Bay Commission, the District of Co-
9 lumbia, and the States of Maryland, Virginia, and
10 Pennsylvania, is to achieve the goal of correcting the
11 nutrient-related problems in the Chesapeake Bay by
12 2010;

13 (3) by correcting those problems, the Chesa-
14 peake Bay and its tidal tributaries may be removed
15 from the list of impaired bodies of water designated
16 by the Administrator under section 303(d) of the
17 Federal Water Pollution Control Act (33 U.S.C.
18 1313(d));

19 (4) nearly 300 major sewage treatment plants
20 located in the Chesapeake Bay watershed annually
21 discharge approximately 60,000,000 pounds of nitro-
22 gen, or the equivalent of 20 percent of the total ni-
23 trogen load, into the Chesapeake Bay; and

24 (5) nutrient removal technology is 1 of the most
25 reliable, cost-effective, and direct methods for reduc-

1 ing the flow of nitrogen from point sources into the
 2 Chesapeake Bay.

3 (b) PURPOSES.—The purposes of this Act are—

- 4 (1) to authorize the Administrator of the Envi-
 5 ronmental Protection Agency to provide financial as-
 6 sistance to States and municipalities for use in up-
 7 grading publicly-owned wastewater treatment plants
 8 in the Chesapeake Bay watershed with nutrient re-
 9 moval technologies; and
- 10 (2) to further the goal of restoring the water
 11 quality of the Chesapeake Bay to conditions that are
 12 protective of human health and aquatic living re-
 13 sources.

14 **SEC. 3. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.**

15 The Federal Water Pollution Control Act (33 U.S.C.
 16 1251 et seq.) is amended by adding at the end the fol-
 17 lowing:

18 **“TITLE VII—MISCELLANEOUS**

19 **“SEC. 701. SEWAGE CONTROL TECHNOLOGY GRANT PRO-**
 20 **GRAM.**

21 “(a) DEFINITION OF ELIGIBLE FACILITY.—In this
 22 section, the term ‘eligible facility’ means a municipal
 23 wastewater treatment plant that—

- 24 “(1) as of the date of enactment of this title,
 25 has a permitted design capacity to treat an annual

1 average of at least 500,000 gallons of wastewater
2 per day; and

3 “(2) is located within the Chesapeake Bay wa-
4 tershed in any of the States of Delaware, Maryland,
5 New York, Pennsylvania, Virginia, or West Virginia
6 or in the District of Columbia.

7 “(b) GRANT PROGRAM.—

8 “(1) ESTABLISHMENT.—Not later than 1 year
9 after the date of enactment of this title, the Admin-
10 istrator shall establish a program within the Envi-
11 ronmental Protection Agency to provide grants to
12 States and municipalities to upgrade eligible facili-
13 ties with nutrient removal technologies.

14 “(2) PRIORITY.—In providing a grant under
15 paragraph (1), the Administrator shall—

16 “(A) consult with the Chesapeake Bay
17 Program Office;

18 “(B) give priority to eligible facilities at
19 which nutrient removal upgrades would—

20 “(i) produce the greatest nutrient load
21 reductions at points of discharge;

22 “(ii) result in the greatest environ-
23 mental benefits to local bodies of water
24 surrounding, and the main stem of, the
25 Chesapeake Bay; and

1 “(iii) take into consideration the geo-
2 graphic distribution of the grants.

3 “(3) APPLICATION.—

4 “(A) IN GENERAL.—On receipt of an ap-
5 plication from a State or municipality for a
6 grant under this section, if the Administrator
7 approves the request, the Administrator shall
8 transfer to the State or municipality the
9 amount of assistance requested.

10 “(B) FORM.—An application submitted by
11 a State or municipality under subparagraph (A)
12 shall be in such form and shall include such in-
13 formation as the Administrator may prescribe.

14 “(4) USE OF FUNDS.—A State or municipality
15 that receives a grant under this section shall use the
16 grant to upgrade eligible facilities with nutrient re-
17 moval technologies that are designed to reduce total
18 nitrogen in discharged wastewater to an average an-
19 nual concentration of 3 milligrams per liter.

20 “(5) COST SHARING.—

21 “(A) FEDERAL SHARE.—The Federal
22 share of the cost of upgrading any eligible facil-
23 ity described in paragraph (1) using funds pro-
24 vided under this section shall not exceed 55 per-
25 cent.

1 “(B) NON-FEDERAL SHARE.—The non-
2 Federal share of the costs of upgrading any eli-
3 gible facility described in paragraph (1) using
4 funds provided under this section may be pro-
5 vided in the form of funds made available to a
6 State or municipality under—

7 “(i) any provision of this Act other
8 than this section (including funds made
9 available from a State revolving fund es-
10 tablished under title VI); or

11 “(ii) any other Federal or State law.

12 “(c) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There is authorized to be
14 appropriated to carry out this section \$132,000,000
15 for each of fiscal years 2004 through 2008. Such
16 sums shall remain available until expended.

17 “(2) ADMINISTRATIVE COSTS.—The Adminis-
18 trator may use not to exceed 4 percent of any
19 amount made available under paragraph (1) to pay
20 administrative costs incurred in carrying out this
21 section.”.

○